IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.A. No.569-SB-1995

Date of Decision: 16.5.2007

Mubarik

....Appellant.

Versus

State of Haryana

...Respondent.

Present:- None for the appellant.

Mr. Narinder Sura, AAG Haryana.

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S.S.SARON, J.(ORAL)

This appeal has been filed by Mubarik son of Enayat against the judgment and order dated 19.4.1995 passed by the learned Additional Sessions Judge, Faridabad, whereby the appellant has been convicted for the offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act,1985 and sentenced to rigorous imprisonment for ten years and to pay a fine of Rs. 1 lac. In default of payment of fine he is to undergo rigorous imprisonment for a period of three years.

Today when the appeal was taken up for hearing learned counsel for the State has placed on record the communication dated 13.5.2007 received by the Advocate General Haryana, from the Deputy Superintendent of Police NIT, Faridabad. In terms of the said memo it has been intimated that the appellant Mubarik has died. The statement of father of the appellant namely Enayat son of Jamil Ali was recorded. In terms of the said statement the appellant died on 24.11.2006 in a tractor trolley

accident. Copy of the statement as also the post mortem report of the deceased are attached with the report. It is appropriate to notice that despite the death of appellant no near relative has approached this Court seeking leave to continue the appeal.

Therefore, in terms of provisions of Section 394(2) Cr.P.C. the appeal stands abated on account of death of the appellant.

Consequently, the appeal is disposed of as having abated.

(S.S.SARON)
JUDGE

May 16,2007
Reema